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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,312	01/25/2005	Hamza Benderdouch	0501-1118	7583
466	7590	12/31/2007	EXAMINER	
YOUNG & THOMPSON			GEHMAN, BRYON P	
745 SOUTH 23RD STREET			ART UNIT	PAPER NUMBER
2ND FLOOR			3728	
ARLINGTON, VA 22202			MAIL DATE	DELIVERY MODE
			12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/522,312	BENDERDOUCH, HAMZA
	Examiner	Art Unit
	Bryon P. Gehman	3728

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 October 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 and 5-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 and 5-25 is/are rejected.
- 7) Claim(s) 8-25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 5-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6-7, "said wetting liquid", as no wetting liquid per se has been "said" as a positive element of the claimed invention, and it should be --the wetting fluid--.

In claim 5, line 3, "a wetting vessel..." is indefinite as the invention is the wetting vessel and is either double recitation or otherwise indefinite.

In claim 7, line 3, "beside the decantation studs" is indefinite, as the open compartment of the lid is not defined by the decantation studs, nor is it seen that they are "beside" the lid in any defined way.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (5,540,363). Disclosed is a wetting vessel (14 and 16) for a paint brush comprising a first element (60) made of absorbent material and intended to be saturated

with wetting fluid wherein the first element comprises means for decantation (being squeezable to remove liquid therefrom) of wetting fluid, and means for drying (50) the paint brush comprising a second element made of absorbent material arranged in a housing (between 24 and 53 and 34 and 53) forming a sieve above a liquid reception vessel (inner space of the vessel or between 25 and 63 and 35 and 63).

As to claim 3, the first element is made of an absorbent and filtering material.

As to claim 5, the wetting vessel is integral with the reception vessel and therefore comprises means for connecting.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2 and 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of either one of Roundy (6,530,470) and Keith (5,244,090). Wilson does not disclose decantation studs as claimed. Roundy and Keith each disclose projecting decantation studs (24; 46) in combination with an absorbent element defining part of an overall decantation means, the purpose of the studs to serve as holding members for the absorbent element. To modify the vessel of Wilson employing decantation studs as disclosed by either one of Roundy and Keith would have been obvious to one of

ordinary skill in the art in order to fix the position of the absorbent element in the vessel in the manner as suggested by either Roundy or Keith.

As to claim 6, the first and second elements are part of a single vessel and a lid (at 24 and 34) is divided into an open compartment (receiving 50).

As to claim 7, an inner skirt is defined by elements 63.

7. Applicant's arguments, filed October 10, 2007, with respect to the claims have been fully considered and are persuasive. The previous grounds of rejection have been withdrawn.

8. Applicant's arguments with respect to claims 1-3 and 5-7- have been considered but are moot in view of the new ground(s) of rejection.

9. This action is made non-final in view of the new grounds of rejection.

10. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Dependent claims 9-25 would also then be allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Byron P. Gehman whose telephone number is (571)

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272-4555. The examiner can normally be reached on Tuesday through Thursday from 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bryon P. Gehman
Primary Examiner
Art Unit 3728

BPG